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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,800

05/04/2005

Hakan Zetterstrom

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,800	<b>Applicant(s)</b> ZETTERSTROM ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 8-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 8-33 drawn to an invention nonelected with traverse in Paper No. 11272006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Drawings***

The drawings were received on 03/27/2007. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the sealed transversal ends of the fin," in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim. Note that the preamble refers to "an end of a bottom forming portion of the package," not "ends"; etc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3721

Claims 1-7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell (U.S. Patent No. 5,533,666) in view of Andersen et al. (U.S. Patent No. 5,678,391).

Cromwell discloses a method of folding a bottom of a package, which comprises a sleeve of packaging material with a transversal seal at an end of a bottom forming portion of the package, said bottom forming portion having the shape of a fin, see for example (Figs. 1-5), the method comprising the steps of folding a middle portion of the fin (Fig. 3; via folding portions 70 and 78) such that primary flaps are created (Fig. 3; via primary flaps 72, 76, 80, and 84) at the transversal ends of the fin, breaking corners on the folded fin (Fig. 3; via breaking corners by the end of the fin 70 and 78 to create the primary flaps) in boundary regions between the primary flaps and the edge between the bottom forming portion of the sleeve and the rest of the sleeve (Figs. 1-5) such that secondary flaps (fig. 3; via flaps 74 and 82) are folded in between the primary flaps and the remaining part of the fin (Figs. 1-5), the secondary flaps on each side of each primary flap thereby being folded essentially towards each other (Figs. 3-5), folding the primary flaps towards each other, and pressing the primary flaps towards the folded middle portion of the fin (Fig. 12).

Cromwell does not disclose the step of sealing the transversal ends of the bottom. However, Andersen discloses similar method of folding a bottom of a package comprising the step of sealing the transversal ends of the bottom (Figs. 8 and 9; column 6, lines 61-67 and column 7, lines 1-4; via heating head to seal the bottom).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cromwell's method by having the step of sealing the

Art Unit: 3721

bottom edges, as suggested by Andesen , in order to secure and get strong bonds to the bottom flaps of the container.

Regarding claim 2: Cromwell discloses that wherein the bottom of the package is folded into an octagonal shape (Figs. 1-5).

Regarding claim 3: Cromwell discloses that wherein the sleeve has a longitudinal seal (Figs. 6 and 7; note that it is inherent that such seal has to be done to the cardboard in order to come up with standing carton) and the fin is pre-folded away from the longitudinal seal prior to the primary flap creating folding step (Figs. 3-5).

Regarding claim 6: Cromwell discloses that wherein a first partible external forming tool retains the package during the pressing-down step (Figs. 8-12).

Regarding claim 7: Cromwell discloses that wherein the first partible external forming tool is opened and closed along the contours of a parallelogram (Fig. 8; via pivoted plates 156, 158, 160, and 162 and the vertically moving piston 163).

Regarding claims 4 and 5: Cromwell does not disclose the step of heating the fin in a number of locations during the pre fold. However, Andersen discloses the step of heating the fin in a number of locations during the pre fold and during the pressing step , see for example (Figs. 8 and 9; column 6, lines 61-67 and column 7, lines 1-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cromwell's method by having the step of heating the fin in a number of locations during the pre fold and during the pressing step, as suggested by Andesen , in order to secure and get strong bonds to the bottom flaps of the container.

Art Unit: 3721

Alternative rejection to claims 4 and 5: Cromwell in view of Andersen does not disclose the step of heating the fin in a number of locations during the pre fold. However, the examiner takes an official notice that such use of heat during folding a container in order to seal the flaps to the body of the container or to each other is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cromwell's method of folding a bottom of a package to use the teaching of using heated means to heat the fin as a matter of engineering design choice, in order to permanently and strongly hold the flaps to the body of the container/sleeve and to each other.

Regarding claim 34: Cromwell discloses that the sleeve has a circular cross section, see for example (Figs. 1-5)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3721

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.